

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: MARIA HERMINIA GRATEROL-GARRIDO.,  
:

Plaintiff,  
:

-v-  
:

PATRICIA MARIA VEGA,  
:

Defendant.  
:  
:-----X

20 Civ. 4209 (JPC) (RWL)

ORDER

JOHN P. CRONAN, United States District Judge:

A bench trial in this case is set to begin on November 8, 2021, at 9:30 a.m., in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007.

Pursuant to Rule 43(a) of the Federal Rules of Civil Procedure, the current COVID-19 pandemic constitutes compelling circumstances and provides good cause to allow the plaintiff, Maria Herminia Graterol-Garrido, to testify remotely by video from Australia, her country of residence. Defendant Patricia Maria Vega has consented to Ms. Graterol-Garrido testifying remotely by video. Accordingly, after due deliberation, this Court adopts the following procedures, most of which were discussed at the final pretrial conference earlier today. To the extent any of the below procedures vary from, or are in addition to, any procedures discussed in Court, the below procedures control Ms. Graterol-Garrido's remote testimony.

Any party objecting to these procedures or who wishes to suggest alternate procedures shall do so by a letter submitted on ECF no later than Friday, October 29, 2021.

IT IS HEREBY ORDERED THAT:

**1. Videoconferencing Solutions.** Ms. Graterol-Garrido may testify remotely by video as set forth herein. The plaintiff's trial counsel shall participate in appropriate pre-trial technology testing no later than Wednesday, November 3, 2021 and as may be required by further order of the Court.

**2. Submission of Exhibits.** The parties shall prepare two binders for Ms. Graterol-Garrido's testimony. The first binder ("Binder One") shall be prepared by the plaintiff's counsel, and shall contain all exhibits that the plaintiff's counsel intends to offer during Ms. Graterol-Garrido's testimony. By no later than Wednesday, November 3, 2021, the plaintiff's counsel shall provide (1) one copy of Binder One to the defendant, Ms. Vega and (2) one copy of Binder One, along with a thumb drive containing electronic versions of the documents in Binder One, to the Court.

The second binder ("Binder Two") shall be prepared by the defendant, Ms. Vega. Binder Two shall contain all exhibits that Ms. Vega intends for Ms. Graterol-Garrido to view during cross-examination. By no later than Wednesday, November 3, 2021, Ms. Vega shall provide (1) two copies of Binder Two to the plaintiff's counsel and (2) one copy of Binder Two, along with a thumb drive containing electronic versions of the documents in Binder Two, to the Court.


The plaintiff's counsel shall then provide one copy of Binder Two to his client, Ms. Graterol-Garrido, in advance of her anticipated testimony on November 8, 2021. The copies of Binder Two provided by Ms. Vega shall be sealed and they shall, on the exterior of the binders, clearly instruct Ms. Graterol-Garrido and her counsel not to open the binders until directed to do so. Ms. Graterol-Garrido and her counsel shall not review Binder Two until the cross-examinations begin.

**3. Remote Testimony.** Prior to her testimony, Ms. Graterol-Garrido shall be sworn in over remote means, and her testimony will have the same effect and be binding upon Ms. Graterol-Garrido in the same manner as if she was sworn in by the Courtroom Deputy in person in open court at the courthouse. The plaintiff's counsel shall be responsible for ensuring that the remote technology and all exhibits from all parties are supplied to the remote witness in hard copy prior to Ms. Graterol-Garrido's testimony at trial. When called to testify, Ms. Graterol-Garrido shall situate herself in such a manner as to be able to view the video screen and be seen by the Court. During Ms. Graterol-Garrido's testimony, no person may be present in the room from where she is testifying and she may not access or otherwise have within sight or reach any documents except Binder One and Binder Two. If she wishes, Ms. Graterol-Garrido may remain connected to the link after her testimony concludes to observe the remainder of the trial.

**4. Courtroom Formalities.** Although Ms. Graterol-Garrido will be testifying via video, the trial constitutes a court proceeding and any recording other than the official court version is prohibited. No party may record images or sounds from any location. The formalities of a courtroom must be observed.

SO ORDERED.

Dated: October 27, 2021  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge